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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,884	03/15/2004	Jack K. Zhang	25896.344/P0123A	1954

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1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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04/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,884	Applicant(s) ZHANG ET AL.	
	Examiner CongVan Tran	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 1, 3, and 5 have been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. (6,900, 762).

Regarding claims 1-2, Andrews discloses a method and apparatus for location determination based on dispersed radio frequency tags, comprising: storing data in a portable device representing locations within the market research area (see abstract, fig. 3, elements 301, 302A-302N, 310, col.8, lines 1-12, and lines 22-27); inputting transmitter location data in the portable device representing selected locations of the wireless transmitters relative to the market research area (see col.8, lines 22-27, and lines 37-38); and associating data with respective transmitter location data in the portable device to produce data that maps the locations of the wireless transmitters with

the associated transmitter representative data, wherein said transmitter representative data comprises information regarding at least a part of the market research (see fig.3, element 306, 308, col.8, lines 16-18, and lines 37-44).

Regarding claim 3, Andrews discloses a method and apparatus for location determination based on dispersed radio frequency tags, comprising: a portable device storing location data representing locations within the market research area (see abstract, fig. 3, elements 301, 302A-302N, 310, col.8, lines 1-12, and lines 22-27); and a processor within the portable device operative to associate the location data with data representing respective wireless transmitters positioned at the locations to produce data for mapping the locations of the wireless transmitters with data representing the respective wireless transmitters, wherein data representing the respective wireless transmitters comprises information regarding at least a part of the market research (see fig.3, element 306, 308, col.8, lines 16-18, 22-27, and lines 37-44).

Regarding claims 5-7, Andrews discloses a method and apparatus for location determination based on dispersed radio frequency tags, comprising:

providing a layout map including location data representing a plurality of locations within the market research area (see abstract, fig.3, elements 301, 302A-302N, 306, 308, col.8, lines 16-18, and lines 37-44); providing transmitter data representing respective ones of the wireless transmitters wherein the transmitter data comprises information regarding at least a part of the market research (see abstract, fig. 3, elements 301, 302A-302N, 310, col.8, lines 1-12, and lines 22-27); and associating the transmitter data with the location data to produce data for mapping the locations of the

wireless transmitters with the transmitter data (see fig.3, element 306, 308, col.8, lines 16-18, and lines 37-44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over et al. (6,900, 762) in view of Yoshioka. (6,633,763).

Regarding claims 4, and 8-12, the Examiner takes Official notice that these features are structurally integrated with communication device is notoriously well known in the art and also described in Yoshioka (see abstract, figs.1-3, elements 11, 2, 3, 4 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Yoshioka's navigation device in Andrews' invention in order to guide the user to destination according to the map database.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/
Primary Examiner, Art Unit 2617